

EXAMINER'S AMENDMENT

1. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
2. Authorization of this Examiner's amendment was given in a telephone interview with Mr. Jay Pattumudi on November 5, 2009.
3. The Claims have been amended as follows:

Please **cancel** claims 1-8 and 11-42 without prejudice.

9. (Currently amended) An isolated polypeptide comprising the amino acid sequence of SEQ ID NO:16, wherein the polypeptide has [[having]] L-sorbose dehydrogenase activity, [[comprising: (i) SEQ ID NO: 16; or (ii) an amino acid sequence derivable from SEQ ID NO:16 by addition, deletion, insertion, or a conservative substitution of one or more amino acids in the amino acid sequence of SEQ ID NO: 16, wherein the conservative substitution is selected from the following substitution: Ala to Val/Leu/Ile, Arg to Lys/Gln/Asn, Asn to Gln/His/Lys/Arg, Asp to Glu, Cys to Ser, Gln to Asn, Glu to Asp, Gly to Pro/Ala, His to Asn/Gln/Lys/Arg, Ile to Leu/Val/Met/Ala/Phe/nor Leu, Lys to

Arg/Gln/Asn, Met to Leu/Phe/Ile, Phe to LeuVal/Ile/Ala/Tyr, Pro to Ala, Ser to Thr, Thr to Ser, Trp to Tyr/Phe, Tyr to Trp/Phe/Thr/Ser, and Val to Ile/Leu/Met/Phe/Ala/nor Leu.]]

10. (Currently amended) The isolated polypeptide [[according to]] of claim 9, wherein the [[isolated]] polypeptide [[sequence is]] consists of SEQ ID NO: 16, and has L-sorbose dehydrogenase activity.

43. (New) An isolated polypeptide comprising the amino acid sequence of SEQ ID NO:2, wherein the polypeptide has L-sorbose dehydrogenase activity.

44. (New) An isolated polypeptide consisting of the amino acid sequence of SEQ ID NO:2, wherein the polypeptide has L-sorbose dehydrogenase activity.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Conclusion

46. Claims 9-10 and 43-44 are allowable.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hope A. Robinson whose telephone number is 571-272-0957. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Wang, can be reached at (571) 272-0811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Hope A. Robinson/

Primary Examiner, Art Unit 1652